

GEORGE C. JEPSEN  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of The Attorney General  
**State of Connecticut**

*TESTIMONY OF  
ATTORNEY GENERAL GEORGE JEPSEN  
BEFORE THE JUDICIARY COMMITTEE  
FEBRUARY 28, 2011*

I appreciate the opportunity to comment on Raised Bill No. 6441, An Act Adopting the Connecticut Uniform Trust Code.

In its present form, I cannot support this bill because it contravenes well-established principles with regard to charitable trusts corresponding to Conn. Gen. Stat. §§ 45a-514 and 47-2. I am mandated by Conn. Gen. Stat. § 3-125 to protect those charitable interests.

It is, however, my understanding that the proponents of this extensive bill anticipate making further modifications and refinements before it is presented to the legislature.

I would be supportive of the bill if language is added to expressly state that nothing in the bill is intended to modify existing law with regard to charitable trusts. Corresponding modifications would need to be made to Sections 5, 11, 12, 22, 25, 31, 32, 50, and 70 of the bill with regard to power of the court, qualified beneficiaries, or the settlor to modify or terminate charitable trusts or to change a designated charitable beneficiary.

The principle underlying the entire body of law protecting charitable gifts in Connecticut and throughout the country highly favors protection of charitable trusts as intended by the donor or settlor. Modifications as I have outlined are necessary to ensure that those well-established protections are not undermined.

Raised Bill No. 6441 is directed primarily toward creating uniform procedures for managing non-charitable trusts in our modern era. My objections to Raised Bill No. 6441 do not address provisions with regard to non-charitable trusts.

In addition, I would recommend eliminating any provisions of this bill that would alter existing law concerning creditor's rights with regard to self-settled trusts in a way that would allow individuals to escape debts.

I believe that minimal modifications to the bill as broadly outlined in these comments will ensure that charitable trusts and creditors' interests are protected in accordance with well-established existing law and still allow for all essential provisions as supported by the proponents. I welcome the opportunity to work with the proponents to address my suggested modifications.

I thank the committee for its time and effort on this important issue.